



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MARK
ATTORNEY GENERAL

Honorable John E. Taylor
Chief Supervisor
Oil & Gas Division
Railroad Commission of Texas
Austin, Texas

Dear Mr. Taylor:

0-2195

Opinion No. O-2195
Re: Authority of the Railroad
Commission of Texas to charge
a fee for preparing certified
copies of reports filed by
various operators with the
Railroad Commission of Texas.

We acknowledge receipt of your letter of
April 9, 1940, in which you request the opinion of this
Department on the questions therein set out.

We quote from your letter as follows:

"On various occasions, requests are made of
the Oil and Gas Division of the Railroad Commission of
Texas for certified copies of reports filed by operators
including well log records, potential test reports,
plugging reports, gas-oil ratio reports, monthly producer's
reports, etc. Various other requests are made from time
to time for statistical data on file in this Department,
as well as for certified copies of the rules and regula-
tions of the Commission.

"The principal part of the information hereto-
fore referred to if furnished would necessitate overtime
work on the part of the personnel of this Department for
which no pay is provided. Will you please advise this
Department in answer to the following:

"1. Can the Railroad Commission of Texas charge
a fee or seek for preparing certified copies, upon request,
of the reports and other statistical data hereinabove
referred to?

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"2. If it should be held by your Department that it is legal to charge fees for the services hereinabove enumerated, then please advise the amount of fees that can be charged for same.

"3. If it should be held that it is within the law to charge and collect fees in the instances hereinabove enumerated, then please advise what disposition of such fees should be made when collected."

Article 3922 of the Revised Civil Statutes of Texas, 1925, provides as follows:

"The Railroad Commission of Texas shall be authorized to charge fees for copies of all papers furnished by it, except such as may be furnished to some department of the State government, as follows:

"For copies of any paper, document or record in its office, including certificate and seal, to be applied by the secretary, for each one hundred words, fifteen cents; provided, that this article shall not be construed to authorize the charging of such fees for railroad companies or other persons for tariff sheets for their own use, which such tariff sheets are in force.

"The fees so charged and collected shall be accounted for by the secretary of the Railroad Commission and paid into the Treasury as provided in Article 3913."

The pertinent provisions of Article 3913, Revised Civil Statutes of Texas, 1925, referred to in the above statutes, read as follows:

"Each of said officers shall keep a fee book in his office in which he shall enter all the fees received for any service named in this title, and shall quarterly file with the Comptroller a verified account of all fees so received by them, respectively, and such officer shall also at the end of each quarter pay over to the State Treasurer all money received by them, respectively, under the provisions of this title."

It is quite clear that Article 3922, supra, authorizes the Railroad Commission of Texas to charge a fee of fifteen cents per hundred words, including certificate and seal, for furnishing certified copies of any paper, document

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or record in its office to any person or corporation, except such as may be furnished to some Department of the State Government and for furnishing tariff sheets which are in force to Railroad Companies or other persons for their own use.

It is also made clear by the provisions of Articles 3913 and 3922, supra, that the Railroad Commission should enter all fees received for such service in a fee book kept for that purpose; that a verified account of all such fees received should be filed with the State Comptroller quarterly, and that at the end of each quarter all money received for such service should be paid over to the State Treasurer.

Replying to your questions one and two, it is our opinion that the Railroad Commission of Texas has the authority to charge a fee of fifteen cents per hundred words, including certificate and seal, for furnishing certified copies of any paper, document or record in its office, except such as may be furnished to some department of the State government and for furnishing tariff sheets which are in force to railroad companies or other persons for their own use.

Replying to your question number three it is our opinion that all fees collected by the Railroad Commission for rendering the above service must be remitted to the State Treasurer at the end of each quarter. In this connection you are further advised that the Railroad Commission should enter all fees received for rendering the services above referred to in a fee book kept for that purpose and that a verified account of all such fees received should be filed with the State Comptroller at the end of each quarter.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Tom D. Russell, Jr.*
Tom D. Russell, Jr.
Assistant

TDR:AMH



Gerald B. Mann